

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

KAREN BELL; A.P. BELL FISH COMPANY,
INC.; and WILLIAM COPELAND,

Plaintiffs,

v.

GINA RAIMONDO, in her official capacity
as Secretary of the United States Department
of Commerce; JANET COIT, in her official
capacity as Assistant Administrator for the
National Marine Fisheries Service; and
NATIONAL MARINE FISHERIES SERVICE,

Defendants.

No. 1:23-cv-00160-HSO-BWR

**MOTION TO EXPEDITE
PROCEEDINGS**

Plaintiffs Karen Bell, A.P. Bell Fish Company, Inc., and William Copeland have filed a petition challenging the issuance by the Secretary of Commerce, through her delegate the National Marine Fisheries Service, of a final rule implementing Amendment 54 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico. 88 Fed. Reg. 39,193 (June 15, 2023).

Plaintiffs' challenge invokes the judicial review provision of the Magnuson-Stevens Fishery Conservation and Management Act ("Act"), 16 U.S.C. § 1855(f), which provides in pertinent part that, "[u]pon a motion by the person who files a petition under this subsection," the court "shall assign the matter for hearing at the

earliest possible date and shall expedite the matter in every possible way.” *Id.* § 1855(f)(4).

In accordance with that provision, Plaintiffs respectfully request that the Court expedite this action “in every possible way,” *id.*, including prioritizing this action and pertinent future and pending motions, *see, e.g., Arnesen v. Raimondo*, No. 23-cv-145, Docket No. 18 (S.D. Miss. July 27, 2023) (*Bell* Plaintiffs’ motion to consolidate cases), above other civil matters before the Court. *See, e.g., Loper Bright Enterprises, Inc. v. Raimondo*, 544 F. Supp. 3d 82, 98 (D.D.C. 2021) (noting the court granted Plaintiffs’ unopposed motion to expedite the case “in every possible way,” pursuant to the Act (simplified)). Expediting ruling on the motion to consolidate would, if the motion is granted, also allow Plaintiffs to participate in ongoing negotiations in *Arnesen* regarding the schedule to brief cross-motions for summary judgment, which participation would further judicial economy by avoiding the necessity of renegotiating a briefing schedule.

Plaintiffs have conferred with counsel for the government regarding this motion. Defendants take no position on this motion.¹

¹ Due to the simplicity and straightforward nature of the requested relief, Plaintiffs request that the Court grant leave of compliance of filing a separate memorandum brief in support under Local Civil Rule 7(b)(4).

DATED: August 9, 2023.

Respectfully submitted,

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Certificate of Service

I hereby certify that on the 9th day of August, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. Simultaneously with the filing of this motion, Plaintiffs will file a notice in *Arnesen v. Raimondo*, No. 23-cv-145 (S.D. Miss.), that this motion has been filed.

/s/ Michael A. Poon
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**Pro Hac Vice*